



## COUNCIL MINUTES

October 5, 2009

The City Council of the City of Mesa met in a Regular Council Meeting in the Council Chambers, 57 East 1st Street, on October 5, 2009 at 5:45 p.m.

### COUNCIL PRESENT

Mayor Scott Smith  
Alex Finter  
Dina Higgins  
Kyle Jones  
Dennis Kavanaugh  
Dave Richins  
Scott Somers

### COUNCIL ABSENT

None

### OFFICERS PRESENT

Christopher Brady  
Debbie Spinner  
Linda Crocker

(Councilmember Somers participated in the meeting through the use of telephonic equipment.)

Invocation by Pastor John Enabnit, Broadway Christian Church.

Pledge of Allegiance was led by Scout Chris Shelton, Troop # 766.

Mayor's Welcome.

Mayor Smith welcomed everyone to the meeting. A videotaped presentation was aired that outlined meeting procedures and provided attendees with instructions relative to addressing the Council.

Awards, Recognitions and Announcements.

There were no awards, recognitions or announcements.

### 1. Take action on all consent agenda items.

All items listed with an asterisk (\*) will be considered as a group by the City Council and will be enacted with one motion. There will be no separate discussion of these items unless a Councilmember or citizen requests, in which event the item will be removed from the consent agenda and considered as a separate item. If a citizen wants an item removed from the consent agenda, a blue card must be completed and given to the City Clerk prior to the Council's vote on the consent agenda.

It was moved by Councilmember Kavanaugh, seconded by Vice Mayor Jones, that the consent agenda items be approved.

Carried unanimously.

\*2. Approval of minutes of previous meetings as written.

Minutes of the March 26, August 27, September 17 and 21, 2009 Council meetings.

3. Discuss, take public comment and take action on the following resolution:

3a. Conduct a public hearing on the renewal of Mesa's Enterprise Zone.

Mayor Smith announced that this was the time and place for a public hearing regarding the renewal of Mesa's Enterprise Zone.

Terry Benelli, Executive Director of the Neighborhood Economic Development Corporation (NEDCO), offered a series of comments in support of the City of Mesa's Enterprise Zone program. She stated that when businesses operate in Enterprise Zones located in low and moderate income areas, they hire employees at a livable wage and provide benefits to those individuals and their families. Ms. Benelli also noted that the program assists existing and new businesses, helps to diversify and sustain local economies where job creation has been stagnant, and brings pride and prosperity to businesses that are underserved while reducing blight and crime in those areas. She added that the program directly relates to one of the Council's Strategic Initiatives, specifically that economic development would be innovative, business friendly and include a variety of tools for the redevelopment of older/vacant areas in the community, with a focus on the downtown.

Mayor Smith expressed appreciation to Ms. Benelli for her comments. He also noted that the Enterprise Zone program offers the City of Mesa the tools to assist those areas of the community that are more mature, "seen better days" and are in need of investment opportunities. Mayor Smith added that he was hopeful that the City could utilize such tools not only to assist those areas in the need, but the entire community as a whole.

There being no additional citizens present wishing to speak to this issue, Mayor Smith declared the public hearing closed.

3b. Take action on the following resolution:

Continuing Mesa's Enterprise Zone Commission, designating the boundaries of the proposed zone to remain as established in 2005 and authorizing the Office of Economic Development to submit an application for the renewal of Mesa's Enterprise Zone – Resolution No. 9571. **(Districts 1, 3 and 4)**

It was moved by Councilmember Richins, seconded by Councilmember Kavanaugh, that Resolution No. 9571 be adopted.

Carried unanimously.

4. Take action on the following liquor license applications:

\*4a. Boxer Luv Rescue

This is a one-day charitable event to be held on Saturday, October 17, 2009 from 3:00 p.m. to 9:45 p.m. at 922 South Country Club Drive. This will be part of the Save the Children Reggae Benefit Concert Special Event. **(District 3)**

\*4b. Queen of Peace Catholic Church

This is a two-day charitable event to be held on Saturday, November 7, 2009 from 12:00 p.m. to 10:00 p.m. and Sunday, November 8, 2009 from 12:00 p.m. to 7:30 p.m. at 141 North Macdonald Street. This is part of the Queen of Peace Catholic Church Special Event. **(District 4)**

\*4c. Circle K Store #6641

Location to Location Transfer Liquor Store License for Circle K Store #6641, 4353 South Power Road, Circle K Stores Inc. – Kim Kenneth Kwiatkowski, Agent. This location presently has a Beer and Wine Store License under Circle K Stores Inc. that will revert back to the State. **(District 6)**

\*4d. Rotary District 5510

This is a one-day charitable event to be held on Saturday, October 31, 2009 from 7:30 p.m. to 11:00 p.m. at 2345 North Horne Street. **(District 1)**

5. Take action on the following bingo application:

\*5a. BINGO - CLASS B

Monte Vista Community Association **(District 6)**  
Jeena Dressen, Chairperson  
8865 East Baseline Road  
Mesa, AZ 85209

6. Take action on the following contracts:

\*6a. Purchase of Two (2) Replacement Fire Pumper Trucks for the Fire Department (Fire Bond Funded). **(Citywide)**

The Purchasing Division recommends authorizing purchase from Pierce Manufacturing, Inc. at \$1,064,289.65, including applicable use tax.

\*6b. Purchase of One (1) Replacement Used Helicopter for the Police Department (Public Safety Bond Funded). **(Citywide)**

The Purchasing Department recommends awarding the contract to the lowest, responsible and responsive bidder, Len Jablon Helicopters, Inc., at \$844,800.00, including applicable use tax.

\*6c. Water Meter Assembly Rehabilitation. **(Citywide)**

City Project No. 01-603-006. This project will replace 24 four-inch and six-inch diameter commercial water meters throughout the City. The meters serve large users such as apartment complexes, condominiums and mobile home parks. The meters are beyond their service life. This project will install new meters above ground with a backflow prevention device at each location. The new above-ground meter assemblies will be installed in City right-of-way or in newly acquired Public Utilities and Facilities Easements (PUFE's).

Recommend award to the low bidder, Shiya-Strephans Contracting Company, in the amount of \$273,250.00 plus an additional \$27,325.00 (10% allowance for change orders) for a total award of \$300,575.00. Funding is available in the approved FY 09/10 Water Bond Capital Program.

\*6d. Shepherd Junior High School Main Pool Re-Plaster, 1407 North Alta Mesa Drive. **(District 5)**

City Project No. 08-922-001. The existing plaster lining at Shepherd Junior High School that was installed in 1993 has reached the end of its useful life and is due for replacement. This project will remove and replace the lining and will ensure the pool meets the current code requirements of the Maricopa County Environmental Services Department.

Recommend award to the low bidder, Shasta Industries, in the amount of \$66,425.00 plus an additional \$6,642.50 (10% allowance for change orders) for a total award of \$73,067.50. Funding is available in the approved FY 09/10 Parks, Recreation and Commercial Facilities Operating Budget.

\*6e. Miscellaneous Drainage Improvements – Stapley Drive/Brown Road and Power Road/Delmon Drive. **(Districts 1 and 5)**

City Project No. 01-477-007. Council awarded this contract on April 20, 2009 to the low bidder, J. Banicki Construction Inc., in the amount of \$100,347.50, plus \$10,034.75 for change orders, for a total contract amount of \$110,382.25. The final cost of construction, including the cost to cover unforeseen conditions that were encountered during construction, is \$122,042.79.

Recommend to increase contract amount by \$11,660.54 to cover the increased construction costs.

7. Take action on the following resolutions:

\*7a. Vacating a portion of public right-of-way at 2433 West Main Street (Pala Mesa Apartments) – Resolution No. 9566. **(District 3)**

This action is necessary to allow the property owner to re-install the monument sign on the property. The sign was removed during the construction of the Light Rail Project.

- \*7b. Approving and authorizing the City Manager to execute a Task Force Agreement with the United States Department of Justice, Drug Enforcement Administration (DEA) to accept funds up to \$50,709.75. Funds will be used to reimburse the Police Department for overtime for three officers assigned to the DEA Task Force – Resolution No. 9567.
- \*7c. Approving and authorizing the City Manager to execute an agreement with the U.S. Department of Justice, Office of Community Oriented Policing Services (COPS) to accept grant funds in the amount of \$5,880,725 to hire 25 police officers – Resolution No. 9568. (American Recovery and Reinvestment Act)
- \*7d. Ordering the sale of not to exceed \$20,000,000 principal amount of City of Mesa Highway Project Advancement Notes, Series 2009 to fund the design and right-of-way acquisition for the Gateway Freeway, State Route 802, Phase 1 – Resolution No. 9569. **(District 6)**
- \*7e. Modifying fees and charges for the Amphitheatre Box Office – Resolution No. 9570.

8. Discuss, receive public comment, and take action on the ordinances introduced at a prior Council meeting. Any citizen that wants to provide comment should submit a blue card to the Clerk before the item is voted on. If a citizen wants to comment on an item listed with an asterisk (\*), a blue card must be given to the Clerk before Council votes on the consent agenda.

- \*8a. **A08-37 (District 5)** Annexing one parcel of land located in the Sunrise Heights Subdivision, north of Brown Road and west of Ellsworth Road. (0.15± acres). Initiated by Harlan Finzer, one of the property owners – Ordinance No. 4950.
- \*8b. **A09-02 (District 1)** Annexing land located north of McDowell Road and east of Lehi Road, 2701 East Lehi Road (7.65± acres). Initiated by William H. Standage, representative for the Church of Jesus Christ of Latter-day Saints – Ordinance No. 4951.
- \*8c. **A09-03 (District 5)** Annexing land located on the northeast corner of Brown Road and Crismon Road (5.78± acres). Initiated by Curtis Leetham, representative for the Church of Jesus Christ of Latter-day Saints – Ordinance No. 4952.
- \*8d. Delaying implementation of adopting the most recent International Code Council (ICC) Construction Valuation Table (1 to 3 percent increase) for calculating building permit fees – Ordinance No. 4953.

9. Items from citizens present.

There were no items from citizens present.

10. Adjournment.

Without objection, the meeting adjourned at 5:58 p.m.

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SCOTT SMITH, MAYOR

ATTEST:

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LINDA CROCKER, CITY CLERK

I hereby certify that the foregoing minutes are a true and correct copy of the minutes of the Regular Council Meeting of the City Council of Mesa, Arizona, held on the 5<sup>th</sup> day of October 2009. I further certify that the meeting was duly called and held and that a quorum was present.

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LINDA CROCKER, CITY CLERK

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